1   40.   (New) An apparatus comprising:

2   an image sensor to capture image information of a graphical object together with associated

3   information relating to a condition of the image sensor during capture of the graphical object to

4   enable generation of a device profile.

1   41.   (New) The apparatus of claim 40 comprising:

2   a generator to extract the associated information from the image information

3   captured by the image sensor to dynamically generate the device profile based on the associated

4   information for a color management system.

1   42.   (New) The apparatus of claim 41, said generator to automatically identify the

2   device profile to the color management system.

REMARKS

Independent claims 1, 7, 14 and 22 stand rejected under 35 U.S.C. §102(b) over U.S.
Patent No. 5,694,227 to *Starkweather*. By this amendment, independent claims 1, 7, 14, and 22
are amended and new claims 37 to 42 are added. In view of the foregoing amendments, the
pending claims of this patent application are presented for further examination and
reconsideration.

In the amended method of claim 1, a specific limitation calls for receiving a graphical
object together with associated image information relating to a condition of an image sensor
during capture of the graphical object. Support for the amendment to claim 1 specifying receipt
of the associated image information together with the graphical object and the relationship of the
associated image information to the graphical object may be found at page 4, line 27 through
page 5, line 13; page 6, lines 10-20, and on page 9, lines 20-29.

However, the generation of a device profile in the *Starkweather* reference is not based on
the claimed associated image information received together with the graphical object, rather it is
simply based on data that is first derived from color samples of an image and later used to handle
a corresponding object which is obtained subsequently. See, column 3, lines 49-52; column 4,
beginning at line 59 and column 8, lines 20-27. In this manner, the added limitation of

independent claim 1 is not anticipated by the teachings of *Starkweather* and thus claim 1 is in condition for allowance along with the dependent claims therefrom.

For these reasons alone, the *Starkweather* reference does not anticipate independent claim 7, and the respective dependent claims therefrom. Based on the arguments noted above as to the specific limitation added to the amended claim 1, claims 14 and 22 are also patentably distinguishable over the *Starkweather* reference. In particular, teachings of *Starkweather* do not amount to the claimed device that captures a graphical object having a data portion and an image profile information portion relating to a condition of the device during capture of the graphical object. Using the image profile information portion, a generator may generate a device profile as claimed in the system of claim 14 and the method of claim 22. The Examiner is respectfully requested to reconsider the rejection of independent claims 7, 14 and 22.

Although claims 1, 7 and 14 also stand rejected under 35 U.S.C. § 103 over *Sakuyama* and *Starkweather*, without a specific hint or suggestion, it would not have been obvious to a person of ordinary skill in the art at the time of Applicants' invention, as claimed now, to modify the *Sakuyama* reference based on the teachings of *Starkweather*. That is, there is no hint whatsoever in the cited art as to generating a device profile in the claimed manner that involves receiving together the graphical object with the associated image information, which relates to a condition of a device or an image sensor during capture of the graphical object itself, setting the measurements or the characteristics of the image to be used in presenting this image to an output device. Even so modified by the *Sakuyama* reference, the *Starkweather* reference, considered either alone or in combination, fails to teach or suggest the now claimed combination. Therefore, the claimed combination to *generate a device profile based on the associated image information (relating to a condition of an image sensor during capture of the graphical object) received together with the graphical object is not rendered obvious.* By drawing upon the same analysis, the Examiner is respectfully requested to withdraw the obviousness rejection of claim 22 and the claims dependent therefrom. Depending upon the above rationale applied to the amended independent claims 1, 7, 14 and 22, new claims 37 to 42 added herein are deemed to be allowable as well. The Examiner is requested to reconsider all the pending claims.

In view of these amendments and remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

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Attached is an Appendix, which shows the changes to the claims. The Examiner is encouraged to review those changes to ensure that the claims, as set forth herein, correspond accurately to the claims in the Appendix and no inadvertent errors have occurred.

The Commissioner is authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0055US).

Respectfully submitted,

Date: 12/03/02

Sanjeev K. Singh under 35 C.F.R. § 10.9(b)
Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
(713) 468-8880 [Phone]
(713) 468-8880 [Fax   ]

1   1.   (Twice Amended) A method comprising:

2   receiving a graphical object [having] <u>together with</u> associated image information

3   <u>relating to a condition of an image sensor during capture of the graphical object;</u>

4   generating a device profile based on the associated image information; and

5   <u>identifying the device profile to a color management system.</u>

1   7.   (Twice Amended) A program storage device, readable by a device, comprising:

2   instructions stored thereon for causing the device to

3   receive a graphical object [having] <u>together with</u> associated image information

4   <u>relating to a condition of an image sensor during capture of the graphical object;</u>

5   generate a device profile based on the associated image information; and

6   identify the device profile to a color management system.

1   14.   (Twice Amended) A system comprising:

2   a computer system having a bus;

3   a device, [operatively] coupled to the bus, to capture a graphical object, the

4   graphical object having an image profile information portion and a data portion<u>, the image</u>

5   <u>profile information relating to a condition of the device during capture of the graphical object;</u>

6   and

7   a generator, [operatively] coupled to the device, to generate a device profile based on the

8   image profile information portion.

1   22.   (Twice Amended) A method comprising:

2   receiving a graphical object having an image and device profile information part

3   and a data part<u>, the image profile information relating to a condition of an image sensor during</u>

4   <u>capture of the graphical object;</u>

5   comparing at least a portion of the image and device profile information part to at least a

6   portion of a prior received image and device profile information part and, based on the

7   comparison, selectively generating a current device profile for a color management system.

1   37.   (New) A method comprising:

2   receiving a graphical object including image information captured by an image

3 sensor together with associated information relating to a condition of the image sensor during

4 capture of the graphical object to generate a device profile.

1   38.   (New) The method of claim 37 comprising:

2   extracting the associated information from the image information captured by the

3 image sensor; and

4   dynamically generating the device profile based on the associated information for

5 a color management system.

1   39.   (New) The method of claim 38 comprising:

2   automatically identifying the device profile to the color management system.

1   40.   (New) An apparatus comprising:

2   an image sensor to capture image information of a graphical object together with

3 associated information relating to a condition of the image sensor during capture of the graphical

4 object to enable generation of a device profile.

1   41.   (New) The apparatus of claim 40 comprising:

2   a generator to extract the associated information from the image information

3 captured by the image sensor to dynamically generate the device profile based on the associated

4 information for a color management system.

1   42.   (New) The apparatus of claim 41, said generator to automatically identify the

2 device profile to the color management system.